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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,976	06/25/2001	Akira Yoshikawa	503.40284X00	7052
20457	7590	07/14/2004		
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-9889			EXAMINER AHMED, SAMIR ANWAR	
			ART UNIT 2623	PAPER NUMBER 4

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/886,976

Applicant(s)

YOSHIKAWA ET AL.

Examiner

Samir A. Ahmed

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

1. A certified English translation of Japanese priority document 2000-195128 is required, in order to grant priority.

Specification

1. The disclosure is objected to under 37 CFR 1.71, as being ambiguous and incomprehensible. While the specification on page 8, line 23-page 9, line 23, and shown in fig.2 recites the main class 21 is processed automatically, and the subclass 22 is set manually, and shows 13 classes they are: bridging defect, non-bridging defect....., and unclassify, the specification comes back on page 13, and as shown in Figs 8,9, and 10 and refer to the same 13 classes bridging defect, non-bridging defect....., and unclassify as sub classes displayed in area 40. Fig. 2 contradicts Figs. 8,9, and 10 because the same 13 classes 24 shown in Fig. 2 are shown in Figs. 8, 9, and 10 as subclasses 40. The specification recites on page 14, lines 26-27, that the user class is set manually, which contradicts the above statement on page 8, that the classes are processed automatically. The specification is using the term class and subclass to refer to the same 13 items (see page 11, lines 9-11).

Applicant is required to submit an amendment which clarifies the disclosure by using the word "glass frame" when "frame" is used to mean "glass frame", and identify what is meant by frame when "frame" does not mean "glass frame".

Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

2. The disclosure is objected to because of the following informalities: in the brief description of the drawings on page 6, line 24-page 7, line 9, each figure should be recited in a separate paragraph.

Appropriate correction is required.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because Fig. 2, which lists 13 items 24 as classes contradicts Figs. 8, 9, and 10 which lists the same 13 items as subclasses 40. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference character(s) mentioned in the description: image display area 44 on page 14, line 15 is not shown in Fig. 8. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81. No new matter may be introduced in the required drawing. Corrected drawing sheets are

required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The subject matter of this application on page 19, line 21, discusses Fig. 13 and 14, there is no Figs 13 and 14 provided. Applicant is required to furnish these drawings under 37 CFR 1.81. No new matter may be introduced in the required drawing.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "obtained images are displayed as a mass of points in time series and, at the same time, correlation with the multiple images displayed in the first display area is displayed in the mass for recognition" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the

appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, recites, "which are classified according to the characteristics of the displayed images" in lines 5-7. It is not clear which displayed images, is it the first displayed images or the second displayed images. Also recites "and also displays the images selected by the sub class", in lines 10-11, which implies that a sub class is selected while there is no selection step is recited in the claim. Features have to be recited explicitly in the claims.

Claim 1 recites the limitation "the specimen " in line 8 and the limitation "each sub class " in line 10-11. There is insufficient antecedent basis for this limitation in the claim.

As to claim 6 refer to claim 1 rejection.

Claim 6 recites the limitation "the multiple stored images " in lines 2-3, the limitation "the specimen " in line 6 and the limitation "each sub class " in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 10, recites "the images are displayed in the number of more than 6x6 but less than 9 x 9" in line 8, and "in the number of 4 to 6" in line 11. It is not clear whether 6x6, 9x9 and 4 to 6 are pixels, images, rows, columns, inches, the meets and bounds of the claim are not defined.

Claim 10 recites the limitation "the multiple stored images " in lines 2-3, the limitation "the specimen " in line 6 and the limitation "each sub class " in line 12. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claim 3 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 3, recites "also the sub class of the classified images are changed and the result be displayed again", in line 4-5. As recited in the specification on page 18, lines 9-22, this feature is a conditional features that happens only when the actual classified images do not conform to the teaching image data and cannot be claimed without its condition, because the claimed result occurs only upon the satisfaction of the condition.

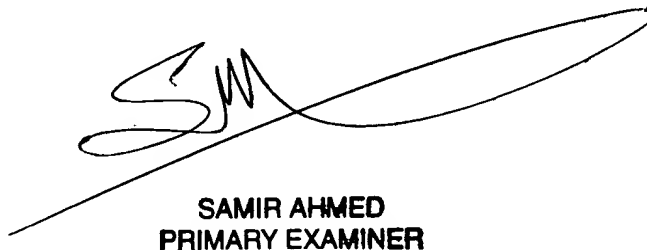
Claim 10 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for displaying images that are 9 rows x 9 columns or more than 6 rows x 6 columns and the sub class are displayed in the number of 5 or 6 thumbnail images" (see spec page 12, lines 3-8), does not reasonably provide enablement for "the images are displayed in the number of more than 6x6 but less than 9 x 9 in the first, and the sub class are displayed in the number of 4 to 6". The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. One of ordinary skill in the art would not be able to figure out whether 6x6, 9x9 and 4 to 6 are pixels, images, rows, columns, and inches

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samir A. Ahmed whose telephone number is 703-305-9870. The examiner can normally be reached on Mon-Fri 8:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703-308-6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SA



SAMIR AHMED
PRIMARY EXAMINER